IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 5302 OF 2007

Vanita Anil Kripalani .....Petitioner

versus

Anil Parsuram Kripalani ..... Respondent.

Mr. P.Narula with A Das Gupta i/b M/s. Jhangiani Narula & Associates for the petitioner.
Ms. Manjula Rao & Pradnya Chavan for the respondent.

CORAM; A.P. DESHPANDE, J.
DATED; 03RD SEPTEMBER, 2007

P.C.;

1. The present writ petition is filed by the wife calling in question the interlocatory order passed by the Family Court, rejecting the application moved by the petitioner claiming interim maintenance. By an earlier order the Family Court had granted maintenance of Rs.10,000/- per month to the minor daughter, who is staying with the present petitioner. However, an application for interim maintenance filed by the petitioner, was kept in abeyance. Aggreived thereby a writ petition was filed in this court and a consent order came to be passed that if the Marriage Petition is not decided within two months from the date of the order passed by this court, the application for interim maintenance shall be taken up for decision by

the Family Court pursuant to the direction issued by this court on 23-2-2007 in W.P.No. 2340/06. The Family Court had taken up the application and passed the impugned order, declining to grant maintenance under section 24 of the Hindu Marriage Act. I am informed at the bar that the evidence of the respondent/husband, in the petition for dissolution of marriage by a decree of divorce, is over and the evidence of the present petitioner wife is also partly recorded. The case is now fixed for recording of rest of the evidence on 6-9-2007. The present petitioner has also claimed permanent alimony from the husband and an issue in that regard is also framed. Having regard to the progress made in the main matter, I do not deem it appropriate to interfere with the interlocatory order passed by the Family Court, holding that the respondent has sufficient income to maintain herself during the pendency of the petition and thus refused to grant inteirm maintainance.

2. The Family Court while proceeding to decide the main matter shall decide the issue of grant of permament alimony uninfluenced by the observations made by it in the impugned order, as the impugned order is passed on primafacie consideration of the material on record. Hence writ petition is summarily dismissed.

3. The learned counsel for the petitioner has urged for expeditious disposal,if possible on day to day basis. As the marriage petition pertains to the year 2002 and as the petitioner has been denied interim maintenance, cause of justice would advance, if directions are issued for expeditious disposal of the divorce petition. I hope and trust that the Family Court shall proceed to decide the divorce petition as expeditiously as possible and to the extent possible by trying the same on day to day basis. Petition accordingly disposed of.

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